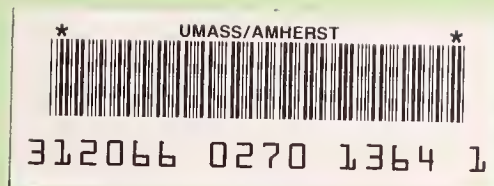


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WARRANTING IMPROVEMENT

Reforming the Arrest Warrant Management System

**A Report of the
Senate Committee on Post Audit and Oversight
January 1999**

Massachusetts Senate

**The Honorable Thomas F. Birmingham
Senate President**

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Senate Committee on Post Audit and Oversight

Senator Cheryl A. Jacques, Chair

The Senate Committee on Post Audit and Oversight works to ensure that state government is accountable to the citizens of the Commonwealth. The Committee's charge is to monitor compliance with state laws, to act as a watchdog to protect taxpayers from waste and fraud, to evaluate the efficiency and effectiveness of state agencies and programs, and to recommend corrective actions through legislation, regulation, and administrative initiatives.

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EXECUTIVE SUMMARY

Despite the creation of a statewide, electronic arrest warrant database in 1995, people with outstanding warrants continue to commit serious crimes while they remain at large.

- On October 1, 1997, 10-year-old Jeffrey Curley of Cambridge was brutally murdered. One of the men convicted of the crime, Charles Jaynes, was wanted on 75 outstanding arrest warrants from 18 District Courts at the time of the murder.¹
- On October 21, 1997, Annie Glenn was shot and killed in Lowell in front of her three young children by Richard Kenney, an ex-boyfriend who was wanted on outstanding warrants for crimes such as possession of cocaine and receiving stolen property.²
- On June 25, 1998, Gilberto Sanchez, a convicted sex offender who was wanted on six outstanding warrants for crimes such as violating a restraining order, defaulting on drug charges, and assault, allegedly sexually molested a 12-year-old Framingham girl after climbing through her bedroom window while she slept.³

In December 1994, the Legislature enacted the Warrant Reform Act creating a statewide, electronic, arrest warrant database known as the Warrant Management System (WMS). As a result, Massachusetts became the first state in the nation to create a statewide, 24-hour-a-day, seven-day-a-week, real-time warrant database. The warrant reform measures were prompted by several incidents that demonstrated the inadequacy of Massachusetts' system of handling arrest warrants, including the murder of Boston Police Officer Berisford Anderson by a man wanted on a default warrant in connection with another shooting.

Prior to 1995, WMS did not exist. Instead, the Massachusetts criminal justice community relied on a combination of paper files, in-house databases, and a predecessor electronic system administered through the Criminal Justice Information System (CJIS). The electronic system was grossly inadequate because there was no statutory requirement to include warrants in the database.

¹ Ellement, John and Gaines, Judith. "Cruelty of Crime Unseen in Two Suspects Records." *The Boston Globe* 4 Oct. 1997: B6.

² Cole, Caroline and Daniel Vasquez. "Mother Slain in Lowell as Children Watch; Man Held." *The Boston Globe* 22 Oct. 1997: A1; Richard Kenney was convicted of first degree murder on December 9, 1998.

³ Sullivan, Jack. "Sex Attack Sparks Fear, Anger." *The Boston Herald* 29 June 1998: 1.

In creating WMS, policymakers hoped that by replacing a 350-year-old paper-based system with a centralized computer database of all Massachusetts warrants, police officers would have easier access to better warrant information. Lawmakers also hoped that incidents like the senseless death of Officer Anderson could be avoided in the future. WMS has partially accomplished these goals. In the past, knowing whether a person was wanted outside of a police officer's own jurisdiction was almost impossible. Today, a police officer is able to check whether a person is wanted by another police department in Massachusetts simply by querying the computerized warrant database.

Law enforcement experts consider the issue of outstanding arrest warrants sitting uselessly in boxes and file cabinets to be a nation-wide problem.⁴ Criminal justice experts acknowledge that arrest warrants can be valuable assets in the criminal justice system's crime-fighting arsenal and can become part of the solution to serious community crime problems such as drug dealing and prostitution.⁵ However, in order for arrest warrants to fulfill their intended role, their use must be properly managed. Arrest warrants and the information they contain must be timely, accurate, and accessible. Furthermore, enforcement of arrest warrants must be coordinated among the district attorneys, police, and the courts. A database is only as good as the information in it and the way that the information is used. The Senate Post Audit and Oversight Bureau's research found that Massachusetts' system warrants improvement and that WMS has not yet met its full potential.

Problems with Warrant Management

Warrants Without Meaning

- 1. There is a backlog of more than 275,000 outstanding arrest warrants in WMS, a number that is growing by more than 5,000 per month.⁶** This huge number of outstanding warrants dilutes the effectiveness of WMS and makes it more difficult to identify dangerous, repeat offenders.

⁴ Kennedy, David. Senior Researcher, Program in Criminal Justice Policy and Management at the Malcolm Wiener Center for Social Policy, JFK School of Government, Harvard University. Telephone interview. 29 June 1998.

⁵ Conner, Roger. Executive Director, Center for the Community Interest. Telephone interview. 2 Nov. 1998.

⁶ Statistics provided by the Trial Court Administration indicate that on average 18,635 warrants are issued per month. Of that total, an average of 2,179 or 12% are served and an average of 10,879 or 58% were recalled, leaving average monthly growth in the number of outstanding warrants at 5,577. On a year-to-year basis, statistics indicate that the number of outstanding warrants in WMS grew by 15% between December 1997 and November 1998.

2. **Almost two-thirds of all arrest warrants are default warrants, i.e., warrants issued solely because people skip court dates or do not pay court-mandated fines.** This high percentage of default warrants indicates widespread disrespect for the court system. Although penalties for defaulting exist, they are often not imposed.⁷ When somebody does not show up for a court date, a default warrant is issued, but the wanted person is not notified and often the warrant is never executed. The message sent to scofflaws is that there are no real consequences for disregarding the Commonwealth's courts.
3. **Thousands of wanted individuals collect taxpayer-funded financial benefits and other state privileges.** A 1997 comparison of the WMS database against state welfare rolls identified 14,000 people who were receiving welfare benefits even though they had warrants outstanding for their arrest.⁸ There are numerous other Massachusetts benefits and privileges such as workers' compensation, unemployment benefits, and professional licenses that wanted individuals can currently receive.
4. **The Registry of Motor Vehicles (RMV) is failing to fulfill its intended role in Massachusetts' system of arrest warrant management.** Although the Warrant Reform Act prohibits the RMV from issuing *new* drivers' licenses to people with outstanding arrest warrants, the agency has failed to create a system for determining whether or not a *new* applicant has an outstanding arrest warrant.⁹ Although there is a system for the non-renewal of licenses held by people with outstanding arrest warrants, wanted people can currently receive a *new* driver's license even though the law clearly forbids it. Additionally, the primary driving-related sanction for an outstanding warrant, license non-renewal, is ineffective because it is a trivial sanction that may not affect the wanted individual for five years. Finally, non-renewal is not applied in most cases because the RMV only matches 33% of warrants to licensed drivers.
5. **Warrant management is more passive, in some respects, than before the creation of WMS.** Since the implementation of WMS, warrant apprehension is usually a result of random encounters by police with wanted people during routine traffic stops.¹⁰ Furthermore, as reliance on

⁷ Caruso, David B. "Thousands of Suspects Scoff at District Court." *The Middlesex News* 12 Sep. 1997: A1. The analysis is supported by conversations with various court personnel and assistant district attorneys.

⁸ McManus, Tim. Bureau of Special Investigations, Department of Transitional Assistance. Letter to Senator Cheryl A. Jacques. 28 July 1998.

⁹ MASS. GEN. LAWS. Ch. 90 §22 (h); Osgood, Herbert C. Director of Driver Licensing, Massachusetts Registry of Motor Vehicles. Testimony at Public Hearing. 10 June 1998.

¹⁰ Caruso, David B. "Thousands of Suspects Scoff at District Court." *The Middlesex News* 12 Sep. 1997: A1. This analysis is supported by several conversations with law enforcement officials as well as testimony at the Public Hearing held on June 10, 1998.

the computerized system has increased, active warrant practices, such as mailing notification letters to people who are issued an arrest warrant for a misdemeanor, have been dropped.

- 6. Most police departments lack the resources to field their own warrant apprehension teams.** Only larger departments such as Boston and Springfield have full-time warrant apprehension units. To fill the gap, the State Police Violent Fugitive Arrest Squad (VFAS) provides warrant apprehension services in conjunction with local police departments for the rest of the state.¹¹ However, VFAS consists of only six state troopers who are able to do just three or four major warrant sweeps per year.¹²

The Legacy of Legacy Warrants

- 1. Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system.** In addition to the backlog of outstanding warrants in WMS, there are hundreds of thousands of so-called “legacy” warrants in boxes and file cabinets in police departments and courts across the state that still have not been entered into WMS.¹³ The purpose of a comprehensive electronic database is undermined by the existence of vast numbers of legacy warrants that are not in the system, yet there is no statutory requirement to include legacy warrants in WMS.
- 2. There is no official policy on what to do with the hundreds of thousands of legacy warrants.** Nearly 60% of the District Courts that responded to a Senate Post Audit and Oversight Bureau survey reported that they review legacy warrants before reissuing them in WMS.¹⁴ Without guidance on how to handle legacy warrants, decisions about whether to cancel or reissue them are being made on an ad-hoc basis without proper authority or accountability.

¹¹ Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad (VFAS), Massachusetts State Police. Personal interview. 14 Apr. 1998.

¹² Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad (VFAS), Massachusetts State Police. Personal interview. 17 Dec. 1998.

¹³ The Senate Post Audit and Oversight Bureau survey revealed over 200,000 estimated legacy warrants not yet entered in WMS. Additionally, conversations with Lieutenant Kevin Horton of the Massachusetts State Police on April 14, 1998 and Boston Police Sergeant Detective William H. Kelley, Jr., of the Boston Police Department’s Warrant Unit on February 6, 1998 indicate that the number of outstanding warrants not in WMS could be well in excess of 500,000.

¹⁴ Thirty-three of the 58 District Courts that responded to the Senate Post Audit and Oversight Bureau survey conducted in February and March of 1998 reported that they review legacy warrants before deciding whether or not to reissue them in WMS.

Effective Warrant Management

- 1. WMS does not help police prioritize who to apprehend.** An electronic database adds value to warrant management through its ability to sort and organize information, but these capabilities of WMS are not extensively used. For example, because WMS is not currently set up to flag people with multiple warrants, or those who are wanted for committing a serious felony, the warrant status of dangerous repeat offenders such as Charles Jaynes lie buried in electronic limbo.
- 2. Police do not have regular access to several databases that may contain more accurate address information than is contained in WMS.** When police have been able to cross match the warrant database against other state databases that contain address and identifying information, they have been extremely successful in apprehending wanted criminals. However, most state agencies that have potentially valuable name and address databases are under no obligation to share this information with law enforcement officials.
- 3. Few Massachusetts warrants are visible to other states through the FBI's National Crime Information Center (NCIC), which serves as the national warrant clearinghouse.** While other states have made the effort to ensure that large numbers of their eligible arrest warrants are listed through NCIC, Massachusetts lists comparatively few, significantly decreasing the likelihood that fugitives fleeing from justice will be returned to Massachusetts for prosecution once they leave the state.
- 4. WMS does not provide one-stop-shopping for all warrants.** Law enforcement and court personnel are required by law to check WMS for outstanding warrants before discharging a person from custody.¹⁵ However, several categories of warrants such as Parole and Department of Youth Services warrants are not included in WMS, which means that other electronic databases and physical files must be searched in order to do a comprehensive check.
- 5. Warrant management in Massachusetts remains fragmented.** Responsibility for the implementation of WMS has been split between the Judicial and Executive branches of state government, inhibiting both a cohesive vision of the system's purpose and a unified strategy for achieving its goals.

¹⁵ MASS. GEN. LAWS. Ch. 276 §29

- 6. Inaccurate and insufficient information continues to impede the execution of arrest warrants.** Police officers cite inadequate information as one of the biggest hindrances to serving warrants.¹⁶ The creation of an electronic system was supposed to improve information quality, but there are few mechanisms in place for checking and updating information on arrest warrants.
- 7. Three years after the implementation of WMS, there are no measures of its effectiveness.** Neither the Trial Court Administration nor the Executive Office of Public Safety has produced a procedural manual, established guidelines for quality control, or measured the effectiveness of WMS.

Resource Issues

- 1. Police and courts lack the resources needed to use WMS to its full capacity.** For example, less than 10% of State Police traffic stops actually result in warrant inquiries because most State Police cruisers lack the on-board laptop computers that would allow a trooper to search for outstanding warrants.¹⁷ Without this equipment, all WMS inquiries must be routed through a radio dispatcher which ties up the channel and prevents other communication. Moreover, many local police departments also lack this equipment.
- 2. There are large disparities in the number of WMS-connected computer terminals in the courts.** Some of the busiest courts have only one or two terminals through which they can access WMS, while other, less busy courts have several computers.¹⁸

¹⁶ Duggan, Richard. Director, Massachusetts Trial Court Information Technology Department. Personal interview. 16 Dec. 1997; Kelley, William H. Jr. Warrant Unit, Boston Police Dept. Personal interview. 30 Jan. 1998; Cicard, Donald. Sergeant, Springfield Police Dept. Personal interview. 11 Apr. 1998.

¹⁷ Hillman, Reed. Superintendent, Massachusetts State Police. Testimony at Public Hearing 10 June 1998.

¹⁸ Number of computers per court was determined by the Senate Post Audit and Oversight Bureau Survey of District Courts. Volume of criminal complaints entered in each district court published in the Annual Report on the State of the Massachusetts Court System, FY 1997.

Recommendations:

Making Warrants Meaningful

Criminals need to understand that warrants have consequences. The penalties for having an outstanding arrest warrant should be overhauled and toughened, and renewed emphasis should be placed on clearing the warrant backlog.

- 1. The number of troopers in VFAS should be doubled in order to better help police departments throughout the Commonwealth apprehend wanted criminals.** In addition, VFAS should develop an on-going program to train local police departments in the techniques of successful warrant execution.
- 2. People with outstanding warrants should not be able to collect state financial benefits or privileges such as unemployment benefits or workers' compensation until they have appeared in court and cleared their warrants.** Currently, transitional assistance benefits are supposed to be cut off to people who have outstanding *default* warrants; the law should be expanded to cover all outstanding warrants and other state financial benefits and privileges.
- 3. State licenses such as professional and recreational licenses should be suspended for people with outstanding arrest warrants until the warrants are cleared.**
- 4. People with outstanding arrest warrants should not be able to collect a state tax refund until they have cleared the warrants.**
- 5. The Default Warrant Removal Fee, payable to the city or town in which a wanted person is arrested on a default warrant, should be increased to \$75 to help offset the cost of warrant apprehensions by local police departments.**
- 6. The RMV should comply with the 1994 Warrant Reform Act by screening new applicants for a driver's license for outstanding warrants before the license is issued.** In addition, the RMV should be required to immediately suspend the driver's license of anybody wanted on an outstanding felony warrant. The RMV should also improve the match rate of outstanding warrants to licensed drivers by, for example,

reviewing the match criteria currently used. Furthermore, a notation should be added to any “non-renewal” flag in the RMV database indicating whether or not the non-renewal status is a result of an outstanding arrest warrant.

- 7. When a warrant is issued, the issuing court should automatically mail a letter informing the person of the warrant and outlining the consequences of failing to clear the warrant.** The Boston Police Department reported that when they used to routinely send out warrant notification letters for misdemeanor warrants, approximately 30% of such letters resulted in people coming to court to clear their warrants.
- 8. The Trial Court Administration should allow people with misdemeanor warrants that simply require payment of a fine to clear them without having to actually appear in court.** Rather, payment to the issuing court could be made by mail or credit card.

The Legacy of Legacy Warrants

- 1. The Warrant Reform Act should be amended to require that all legacy warrants be evaluated and where appropriate be reissued through WMS by January 1, 2001.**
- 2. The Trial Court Administration and the Executive Office of Public Safety should jointly establish guidelines for evaluating warrants before re-issuing them in WMS.** Inter-disciplinary teams should be established in each jurisdiction to evaluate legacy warrants and where appropriate to reissue them through WMS.

Effective Warrant Management

- 1. VFAS should be given statutory authority to receive, through cross matching, potentially valuable address information held by other state agencies.** This information should also be available upon request to local law enforcement agencies.
- 2. WMS should be programmed to help police prioritize who to apprehend first by highlighting people with multiple warrants and those wanted for serious felonies.** The Criminal History Systems Board (CHSB) should regularly publish and transmit lists of people with multiple warrants and people wanted for serious felonies to law enforcement agencies so that they can concentrate resources on these scofflaws.

- 3. Law enforcement agencies should enter all eligible Massachusetts arrest warrants into NCIC. As soon as practicable, CHSB should create a system that will transmit eligible Massachusetts arrest warrants directly into NCIC.**
- 4. CHSB should move quickly to link all of the databases that contain arrest warrants so that complete information is available through one computer search. CHSB should offer one-stop-shopping for warrant information by January 1, 2001.**
- 5. A Warrant Oversight Commission should be established and charged with coordinating and overseeing the WMS database and warrant management in general. Its responsibilities should include the following:**
 - developing standards for measuring the effectiveness of WMS;
 - developing guidelines for reviewing legacy warrants;
 - overseeing the production of warrant management procedural manuals;
 - coordinating warrant management efforts throughout the state;
 - providing on-going training for court and law enforcement personnel;
 - creating a quality control team to audit WMS and publish an annual report on warrant apprehension rates for all cities and towns across the state; and
 - providing an effective forum for input from the frontline users of WMS.
- 6. To improve the accuracy of the information on arrest warrants, the following steps should be taken:**
 - Currently the police have limited access to WMS for adding or updating information on an arrest warrant. CHSB should give police greater access to WMS for adding additional address information.
 - All Massachusetts arrest warrants should conform to CJIS quality standards, unless the requesting law enforcement agency seeks an exemption for a particular warrant.
 - New or updated address information obtained through cross matching with other databases should be integrated into WMS so that law enforcement officials have access to the most accurate and up-to-date information possible.

Resources

- 1. Massachusetts should set a goal to have a laptop computer in every police cruiser in the Commonwealth by January 1, 2002.** Funding should be allocated to provide on-board laptop computers for all State Police cruisers in the Commonwealth and the Legislature should establish a matching grant program to encourage local police departments to purchase this equipment.
- 2. As part of the Warrant Oversight Commission's auditing duties, a review of court access to WMS and computer resources should be conducted to ensure that all courts have the ability to enter warrant information in a timely fashion.**

Background

In response to several high profile crimes committed by wanted individuals, the Legislature took action in 1994 by reforming the management of arrest warrants in Massachusetts. The Weld administration filed House Bill 4689, *"A Message by the Governor Recommending Reform of the Warrant Management System."* In June 1994, the bill was approved by the Joint Committee on the Judiciary, co-chaired by Senator Cheryl A. Jacques and Representative Salvatore DiMasi, and was enacted by the Legislature several months later. In December 1994, Governor William Weld signed the bill into law as Chapter 247 of the Acts of 1994.

The warrant reform measures were prompted by several incidents that demonstrated the inadequacy of Massachusetts' system of handling arrest warrants. One incident that sparked the call for reform legislation was the February 1994 murder of Boston Police Officer Berisford Anderson. Officer Anderson was fatally shot by Dalton Simpson, who was wanted on a default warrant that was issued because he skipped a court appearance involving another shooting.

Another incident that gained widespread public attention pointed to problems with the quality and quantity of information on warrants. In 1992, William Santiago, who had outstanding warrants for assault and battery and malicious destruction of property, was sworn in as a Chelsea Police officer. Because the warrants issued against him did not have enough identifying information, such as physical descriptors or a social security number, the Chelsea Police Department was unaware of the warrants when he was hired. Only after Santiago kidnapped his ex-girlfriend in March 1993 were the outstanding warrants discovered.¹⁹

The reform legislation created Massachusetts' electronic Warrant Management System (WMS), and defined the information to be contained within an arrest warrant. The legislation also specified that the Trial Court is responsible for issuing and recalling warrants while the Criminal History Systems Board (CHSB), an agency under the Executive Office of Public Safety, is responsible for administering and maintaining WMS.

¹⁹ Krupa, Gregg. "Hiring of Chelsea Officer Sought in Assault Raises Questions." *The Boston Globe* 23 Mar. 1993: B18.

Major Provisions of the 1994 Warrant Reform Legislation

The following are the major elements of the 1994 WMS reform:²⁰

1. Creates WMS and provides for the integration of paperless warrants into current police and court practices by, for example, allowing a computer printout from WMS to constitute a “true copy” of the warrant.
2. Requires all new warrants to be accessible to all law enforcement agencies and the Registry of Motor Vehicles (RMV) via the Criminal Justice Information System (CJIS).
3. Requires courts and law enforcement officials to check for outstanding warrants before releasing from custody any person who has been brought before the court on a criminal matter.
4. Forbids the Registrar of Motor Vehicles from issuing, renewing, or reinstating a driver’s license for anybody with an outstanding warrant.
5. Gives increased authority to the court where a person is arrested to handle outstanding warrants issued by other courts. For example, any court in the Commonwealth can now accept payment of a fine for any other court and then discharge a person.
6. Requires increased coordination among courts on warrants by, for example, letting one court set bail for a person arrested on an outstanding warrant from another court. The first court must confer with the second court to pick an appearance date.
7. Requires that transportation to the court that issued a warrant be provided if the defendant is not released on bail or recognizance by the court where the person was arrested.
8. Creates an additional penalty for defaulting in the form of a \$50 “Default Warrant Assessment” fee payable to the Commonwealth. This fee is in addition to the existing “Default Warrant Removal Fee” or alternative sanction of a day of community service imposed when a person is arrested on a default or probation violation warrant. The original Default Warrant Removal Fee goes to the city or town where the person is arrested and was intended to offset the costs that local police departments incur when they apprehend and process a person for defaulting.²¹

²⁰ Chapter 247 of the Acts of 1994

²¹ Shea, Michael J. Legal Counsel, District Court Department of the Trial Court. Personal interview. 19 May 1998.

9. Restricts the ability to set bail for, or release on recognizance, a person brought to court who has an outstanding default warrant. By repealing a section of the previous law, only a judge, not a clerk magistrate or other person with authority to set bail, can release a person on bail or recognizance for a default warrant outside of regular court hours. In practice, this means that a person arrested on Friday night who has an outstanding default warrant must be kept in custody until the next court session, usually the following Monday morning.

What is WMS?

WMS is a statewide computer database of arrest warrants. There are two kinds of arrest warrants: “straight” warrants, which are issued as a result of a criminal complaint or indictment, and “default” warrants, which are issued because a person defaults on their responsibility to either appear in court or pay a court-mandated fine.

What is an Arrest Warrant?

An arrest warrant is “an order in writing, issued by a judge or other competent authority, in the name of the Commonwealth, directed to the proper officer, naming a person charged with a crime, and commanding the officer to arrest and bring before the court, the person named therein.”²²

What is a Legacy Warrant?

A legacy warrant is an arrest warrant that was issued before the creation of WMS. Many of these warrants have been incorporated into the system, but many others have not. The term “legacy” warrant is used to describe pre-WMS warrants that were entered into the CJIS system by the police as well as paper warrants and other electronic warrants that have not yet been incorporated into the WMS database.

Who Issues Arrest Warrants?

Although arrest warrants are issued by several agencies and courts such as the Parole Board, the Department of Corrections, the Department of Youth Services, and the Housing and Superior Courts, over 90% of all arrest warrants are issued by the District Courts.²³

²² Smith, Kent B. *Criminal Practice and Procedures 30 Mass. Practice Series*, § 74 at 55 (2d ed. 1983)

²³ Shea, Michael J. Legal Counsel, District Court Department of the Trial Court. Personal interview. 19 May 1998.

What information is in an Arrest Warrant?

The 1994 warrant reform legislation requires that court clerks enter all new warrants issued by their courts into WMS.²⁴ The law also requires that, to the extent known, the following identifying information be included in the warrant:

- name,
- last known address,
- date of birth,
- gender and race,
- height and weight,
- hair and eye color,
- offenses for which the warrant is requested,
- designation of offenses such as felony or misdemeanor,
- any known aliases, and
- name of responsible police department.

What is CJIS and how does it relate to WMS?

CJIS is a computer network that links many separate criminal justice databases, some of which are nationwide like the National Crime Information Center (NCIC), which is managed and regulated by the Federal Bureau of Investigation (FBI). Because CJIS is linked with the FBI's national criminal information databases, all information in CJIS must conform to FBI standards, which are more stringent than WMS standards.

All law enforcement agencies and the RMV are allowed access to CJIS for retrieving criminal justice information such as warrants. The courts do not have access to CJIS. Instead, they enter information directly into WMS via the Trial Court's central computer system in Cambridge. Warrant information is then instantly transmitted to the CJIS network located in Chelsea. Only the warrants that include sufficient information to meet the national CJIS standards are included in the CJIS database. The other, non-conforming warrants are included in WMS, but not in CJIS.

Before the 1994 reform law, police officers were responsible for entering and removing warrant information in CJIS. However, for a variety of reasons, most warrants were not entered into the system. Many police departments had in-house computer databases through which they tracked arrest warrants. Given personnel constraints, it did not always seem valuable to the police to enter warrants into CJIS as well as their own databases.²⁵ Furthermore, there was no statutory requirement to enter warrants into the CJIS system.

²⁴ Irwin, John J., Jr. Former Chief Justice for Administration and Management of the Trial Court of Massachusetts. Inter-Office Memorandum. 25 Jan. 1998.

²⁵ CHSB Report on Warrant Management System. 16 Mar. 1998: 1.

The 1994 warrant reform legislation made WMS the new central repository for arrest warrants. The legislation mandated that all new warrants be included in the system and shifted responsibility for entering warrants away from the police and to the courts.

SCOPE OF THE WARRANT MANAGEMENT REVIEW

The Senate Post Audit and Oversight Committee reviewed the implementation of the 1994 Warrant Reform Act, with a broader goal of determining whether or not the full potential of WMS is being used to prevent crime and apprehend criminals. This review of Massachusetts' warrant management system is intended to present recommendations to build on the accomplishments of WMS and the warrant reform legislation.

Primary research was conducted through interviews with officials from the Trial Court Administration, District Courts, the Executive Office of Public Safety, police officers from various departments, and administrators from the RMV. An all-day public hearing was held on June 10, 1998 to give interested parties an opportunity to provide insight into the implementation of WMS.

Research on other states' warrant management systems was conducted via the Internet and through telephone interviews. Legal research included reviewing the Massachusetts General Laws and the Warrant Reform Act of 1994 as well as judicial memoranda regarding implementation of the statutory changes.

Information was gathered through a survey sent to all of the District Courts by the Senate Post Audit and Oversight Bureau. Other information was obtained from the Criminal History Systems Board, the Trial Court Administration, local and state police departments, the FBI, the RMV, and the Department of Transitional Assistance.

Accomplishments of Warrant Management in Massachusetts

The accomplishments of Massachusetts' warrant management system should be recognized. Massachusetts was the first state in the nation to create a statewide, 24-hour-a-day, seven-day-a-week, real-time warrant database. Only two other states, Colorado and Utah, have anything close to WMS. However, warrants entered into Utah's system are not immediately visible to the police because the system is only updated once each day. Massachusetts' real-time system is continually updated as new warrants are issued. Colorado's integrated criminal justice information system does not provide access to district court warrants and so is not as comprehensive as Massachusetts' WMS.

The Trial Court Administration managed to implement WMS in only six months, from the time the warrant reform legislation was enacted in December 1994 to

the time the system was operational in July 1995. Dedicated professionals at the Trial Court Administration, the Criminal History Systems Board, and law enforcement agencies throughout the state have worked together and made improvements in the system. Massachusetts continues to be a leader in the developing field of criminal justice information systems.

Some of the statistics on warrant execution rates are encouraging. Within a year of WMS' inception, the number of warrants served as a percentage of those issued in a given year doubled. In 1995, the District Courts issued 153,222 arrest warrants; of those, 6% were served. In 1996 the percentage of warrants served rose to 12% even as the overall number of warrants issued increased to 287,859. In 1997 and 1998, the percentage of warrants served remained at this new, higher level. In all, since the inception of WMS, 70% of warrants issued have been resolved, either by being served or recalled.²⁶ However, with more than 250,000 warrants issued each year in the past two years, the 30% of warrants issued that remain outstanding have begun to constitute an unwieldy backlog.

²⁶ Numerical data provided by the Trial Court Administration. Statistical analysis completed by the Senate Post Audit and Oversight Bureau. A warrant is recalled when someone turns himself or herself in to the court or the warrant is nullified for a variety of reasons, such as a suspect's death.

PROBLEMS WITH WARRANT MANAGEMENT

In spite of the progress made by creating a centralized, electronic warrant database, WMS has not solved all of the problems that it was supposed to. The Committee has identified several areas of particular concern.

WARRANTS WITHOUT MEANING

Huge Backlog of Arrest Warrants

There is a backlog of more than 275,000 outstanding arrest warrants in WMS, a number that is growing by more than 5,000 per month.²⁷ Between November 1997 and December 1998 the number of outstanding warrants in the system has grown by more than 15%. This huge number of outstanding warrants dilutes the effectiveness of WMS and makes it more difficult to identify dangerous, repeat offenders. As a result, wanted individuals remain at large, free to commit more crimes.

CHILD MURDERER WAS WANTED ON 75 ARREST WARRANTS

In April 1993, Charles Jaynes wrote a letter threatening to rape his high school teacher and her children. He was convicted of making a threat, sentenced to a year of probation, and ordered to seek psychiatric help. Only three months into his probation, he stopped appearing for meetings with his counselor and probation officer. He started accumulating default and other arrest warrants for crimes such as violating probation, robbing ATMs, fraud, and forgery. From 1994 to October 1997, when Jaynes was arrested and charged with the murder of 10-year-old Jeffrey Curley of Cambridge, he had accumulated 75 arrest warrants. During this time he lived in plain view of the police, in Brockton with his father, and then in Cambridge with his mother, apparently without any fear of being arrested on any of those 75 outstanding arrest warrants.²⁸

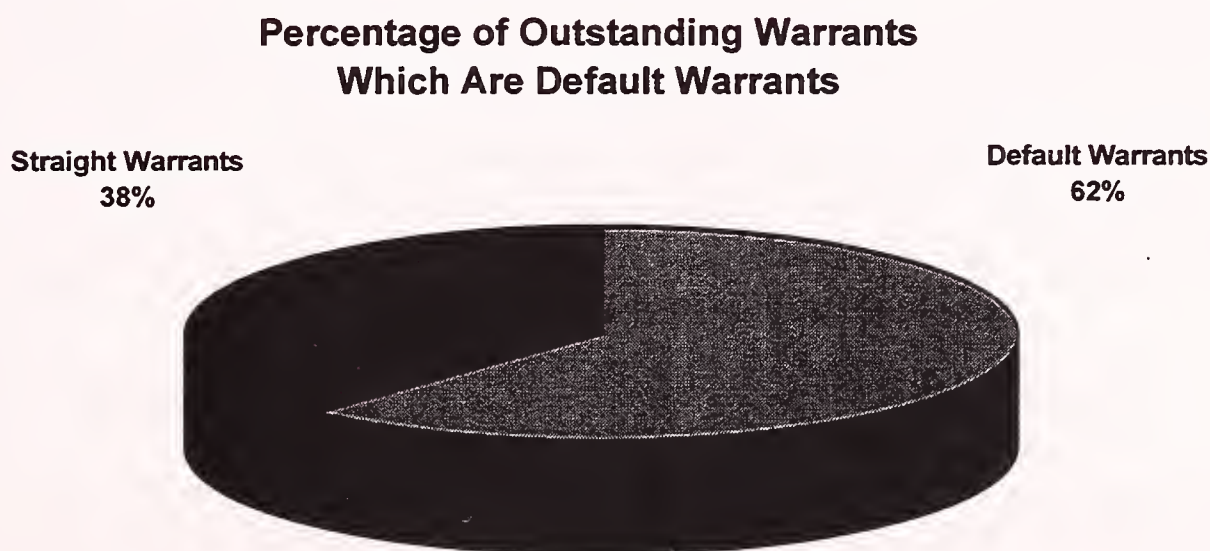
²⁷ Statistics provided by the Trial Court Administration indicate that on average 18,635 warrants are issued per month. Of that total, an average of 2,179 or 12% are served and an average of 10,879 or 58 % were recalled, leaving average monthly growth in the number of outstanding warrants at 5,577. On a year-to-year basis, statistics indicate that the number of outstanding warrants in WMS grew by 15% between December 1997 and November 1998.

²⁸ Talbot, David. "Curley Case Showcases Probation Meltdown." *The Boston Herald* 26 Oct. 1997: 1, Ellement, John and Judith Gaines. "Cruelty of Crime Unseen in Two Suspects' Records." *The Boston Globe* 4 Oct. 1997: B6. Charles Jaynes was convicted of second-degree murder and kidnapping on December 11, 1998. He was sentenced to life in prison plus 10 years for kidnapping and will be eligible for parole in 23 years. The other man accused in the crime, Salvatore Sicari, was convicted of first-degree murder and sentenced to life in prison without parole.

- On October 21, 1997, Annie Glenn was shot and killed in Lowell in front of her three young children by Richard Kenney, an ex-boyfriend who was wanted on outstanding warrants for crimes such as possession of cocaine and receiving stolen property.²⁹
- On November 20, 1997, Deon Bailey of Malden, who was wanted on outstanding warrants for assault with intent to kill, assault and battery, and violating probation, shot and killed New Jersey Police Sergeant Patrick King, execution style, in the back of the head while Sergeant King waited in line for food at a Chinese restaurant.³⁰
- On June 25, 1998, Gilberto Sanchez, a convicted sex offender who was wanted on six outstanding warrants for crimes such as violating a restraining order, defaulting on drug charges, and assault, allegedly sexually molested a 12-year-old Framingham girl after climbing through her bedroom window while she slept.³¹

Deluge of Default Warrants

Almost two-thirds of all arrest warrants are default warrants, i.e., warrants issued solely because people skip court dates or do not pay a court-mandated fine. This high percentage of default warrants indicates widespread disrespect for the court system.



Source: Senate Post Audit and Oversight Bureau Survey of District Courts, February-March 1998³²

²⁹ Cole, Caroline and Daniel Vasquez. "Mother Slain in Lowell as Children Watch; Man Held." *The Boston Globe* 22 Oct. 1997: A1; Richard Kenney was convicted of first degree murder on December 9, 1998.

³⁰ Kornblut, Anne E. "Police Probe How N.J. Gunman Eluded Mass. Authorities." *The Boston Globe* 26 Nov. 1997: B2.

³¹ Sullivan, Jack. "Sex Attack Sparks Fear, Anger." *The Boston Herald* 29 June 1998: 1.

³² 84% of District Courts responded to the Senate Post Audit and Oversight Bureau Survey.

There are sanctions for defaulting, such as the \$50 Default Warrant Assessment and Default Warrant Removal fees that were codified as part of the 1994 warrant reform legislation. Unfortunately, judges often do not impose these sanctions on defaulters because so many people coming to court claim to be indigent.³³ When somebody does not show up for a court date, a default warrant is issued, but the wanted person is not notified and often the warrant is never served. The alternative sanction of a day of community service can be imposed, but apparently few judges choose to use this option.³⁴

DEADLY DEFAULTS

On July 15, 1998, fire raced through an illegal Boston rooming house, killing one man and critically injuring a woman. The owner of the building had 20 default warrants outstanding against him relating to housing code violations. No law enforcement authority was looking for the owner, Philip "Sonny" Baiona, at the time of the fire. Though wanted on 20 default warrants, Mr. Baiona felt comfortable enough to give interviews to the press after the fire despite the fact that police officers were standing by his side.³⁵

The problem of default warrants and the disrespect for the judicial system that they reflect was one of the issues that prompted warrant management reforms in 1994. The shooting death of Police Officer Berisford Anderson by Dalton O. Simpson, who had skipped a court date and was wanted on a default warrant at the time of the shooting, made default warrants a focus of the warrant reform effort. With more than 160,000 default warrants in WMS, and hundreds more being added every day, it is clear that disrespect for the court system is still rampant.³⁶

Wanted Individuals Collect State Benefits and Privileges

Thousands of wanted individuals collect taxpayer-funded financial benefits and enjoy other state privileges. A 1997 comparison of the WMS database against state welfare rolls identified 14,000 people who were receiving welfare benefits

³³ Morrissey, Robert. Clerk Magistrate, Springfield District Court. Personal interview. 11 Apr. 1998; Linsky, David. Assistant District Attorney, Middlesex County. Telephone interview. 9 Nov. 1998.

³⁴ *ibid.*

³⁵ Meyers, Jack and Meredith O'Brien. "Police Seeking to Arrest Rooming House Landlord." *The Boston Herald* 18 July 1998: 13; O'Brien, Meredith. "Landlord Surrenders." *The Boston Herald* 21 July 1998: 7.

³⁶ Statistics provided by The Trial Court Administration.

even though they had warrants outstanding for their arrest.³⁷ There are numerous other Massachusetts benefits and privileges such as unemployment benefits, workers' compensation, and professional licenses that wanted individuals currently receive.

Criminals Collect Workers' Compensation

A recent State Police comparison between WMS and claims filed for workers' compensation revealed approximately 4,000 matches for people wanted on felony arrest warrants. Some of the offenses that these benefits claimants are accused of committing include: homicide, rape, arson, felony assault, narcotics distribution, weapons offenses, sex offenses, and robbery.³⁸

Massachusetts has begun to deny access to some benefits for individuals with outstanding arrest warrants. The 1995 Welfare Reform Act prohibits a person from receiving transitional assistance if they have a *default* warrant outstanding against them.³⁹ However, under state law, individuals wanted on straight warrants are still eligible to receive welfare benefits. The law does, however, specify that the list of public assistance recipients may be matched against WMS as a way for law enforcement officials to get better address information so that they can arrest wanted criminals.⁴⁰

Registry Road-Blocks Limit Effectiveness of Warrant Management

The RMV is failing to fulfill its intended role in Massachusetts' system of arrest warrant management. Although the Warrant Reform Act prohibits the RMV from issuing *new* drivers' licenses to people with outstanding arrest warrants, the agency has failed to create a system for determining whether or not a new applicant has an outstanding arrest warrant.⁴¹ Although there is a system for the non-renewal of licenses held by people with outstanding warrants, wanted people

³⁷ McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998.

³⁸ Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad, Massachusetts State Police. Letter to Senate Post Audit and Oversight Bureau. 6 Nov. 1998.

³⁹ (Mass. Gen. Laws. Ch. 18 § 2(e)(f) (1996)) as created by 1995 Mass. Acts § 11(f)

⁴⁰ McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998; and attached Memorandum of Understanding Between the Criminal History Systems Board, Massachusetts Parole Board, Department of Transitional Assistance, and the Bureau of Special Investigations of the Department of Public Safety.

⁴¹ MASS. GEN. LAWS. Ch. 90 §22 (h); Osgood, Herbert C. Director of Driver Licensing, Massachusetts Registry of Motor Vehicles. Testimony at Public Hearing. 10 June 1998.

can currently receive a *new* driver's license even though the law clearly forbids it. Additionally, the primary driving-related sanction for an outstanding warrant, license non-renewal, is ineffective because it is a trivial sanction that may not affect the wanted individual for five years. Finally, non-renewal is not applied in most cases because the RMV only matches 33% of warrants to licensed drivers.⁴²

In order to determine which licensed Massachusetts drivers to put on non-renewal status for having an outstanding arrest warrant, the RMV's computer system runs a nightly cross match against warrant activity transmitted by CHSB. Unfortunately, the match rate of warrants to licensed drivers appears to be unacceptably low. The RMV uses strict match criteria before placing a driver's license on non-renewal status. Therefore, even though 75% of arrest warrants in the system include either a driver's license or a social security number, and 72% of Massachusetts residents are licensed drivers, the RMV only matches one-third of the warrant records to licensed drivers.⁴³

The RMV can be assumed to have more accurate address information than that contained on the average arrest warrant; however, there is no mechanism for feeding this information back to WMS when a match is made.⁴⁴ Also, when a person with an outstanding warrant whose license is already on non-renewal status walks into a RMV office and hands the clerk an application to renew their driver's license, they are merely informed of their non-renewal status. The application, which contains important current address information, is handed back to the applicant. As a result, the law enforcement community is losing potentially valuable address information that could improve warrant apprehension rates.

The RMV's role in arrest warrant management is further diminished because the driver's license sanction for an outstanding warrant is limited to license non-renewal, regardless of the severity of the alleged crime. Putting a driver's license on a non-renewal status has little or no immediate impact on a person with an outstanding arrest warrant because drivers' licenses only need to be renewed once every five years. This means that a person wanted on a serious felony warrant can keep his or her driver's license for up to five years.

There are many infractions for which people are put on a non-renew status, ranging from failure to pay parking tickets and automobile excise tax to an outstanding felony warrant. However, regardless of why a person's license is put on non-renewal status, a police officer in the field simply sees or hears "non-

⁴² Osgood, Herbert C. Director of Driver Licensing, Massachusetts Registry of Motor Vehicles. Letter to Senate Post Audit and Oversight Bureau. 1 May 1998.

⁴³ Shea, Michael. Legal Counsel, District Court Department. Letter to Senate Post Audit and Oversight Bureau. 16 June 1998.

⁴⁴ Interviews with law enforcement officials indicate that lawbreakers tend to give less accurate address and other identifying information to police than they do to officials of agencies that are providing a benefit or service such as a drivers license or state financial benefits.

renew” when checking a person’s driver’s license. There is no further notation indicating whether the non-renewal is for an outstanding warrant or for an unpaid excise tax bill. This lack of information endangers police officers’ lives and adds to the problem of wanted people walking (or driving) free.

Passive Warrant Management

Warrant management is more passive, in some respects, than before the creation of WMS. For example, as reliance on the computerized system has increased, active warrant practices, such as mailing notification letters to people who are issued arrest warrants, have been dropped. Since the implementation of WMS, warrant apprehension is usually a result of random encounters by police with wanted people during routine traffic stops.⁴⁵

According to law enforcement sources, prior to WMS the use of such notification letters was more common. The Boston Police Department reports that before the creation of WMS, it regularly sent out notification letters for misdemeanor warrants and got approximately a 30% response rate.⁴⁶ This simple, but active warrant management practice saved scarce police resources by reducing the number of wanted people that police officers needed to apprehend.

Active Warrant Apprehension Limited by Lack of Personnel

Most local police departments lack the resources to field their own warrant apprehension teams. Only larger departments such as Boston and Springfield have full-time warrant apprehension units. To fill the gap, the State Police Violent Fugitive Arrest Squad (VFAS), in conjunction with the Governor’s Warrant Task Force, provides information, resources, and warrant apprehension services for the rest of the state.⁴⁷ However, given the huge backlog of outstanding warrants in the Commonwealth, the six person VFAS is woefully understaffed. Although VFAS’ success rate, measured by the hundreds of targeted individuals apprehended, is impressive, they are only able to do three or four major warrant sweeps per year.⁴⁸

⁴⁵ Caruso, David B. “Thousands of Suspects Scoff at District Court.” *The Middlesex News* 12 Sep. 1997: A1. This analysis is supported by several conversations with law enforcement officials as well as testimony at the Public Hearing 10 June 1998.

⁴⁶ Flaherty, Maurice. Captain Detective, Boston Police Dept. Testimony at Public Hearing. 10 June 1998.

⁴⁷ Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad, Massachusetts State Police. Letter to the Board of Awards. 20 Oct. 1997. The Governor’s Warrant Task Force is a “partnership of State, Federal, and Local agencies...supervised by the Massachusetts State Police.” The Task Force helps to coordinate agencies and resources on all levels of government for the purpose of warrant apprehension.

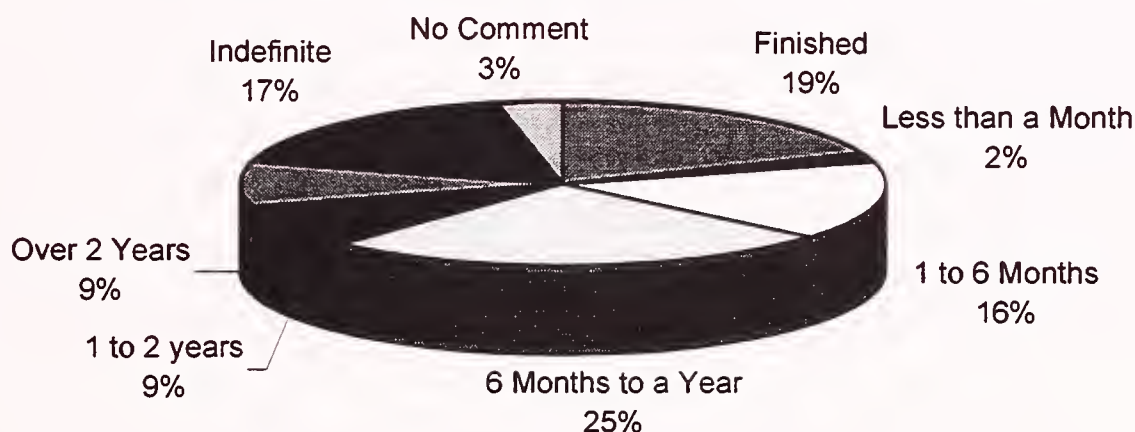
⁴⁸ Hayden, Robert. Undersecretary, Executive Office of Public Safety. Testimony at Public Hearing. 10 June 1998. A VFAS warrant sweep would typically include the identification of individuals wanted for serious crimes in a certain geographical area, followed by efforts to locate and apprehend those individuals.

THE LEGACY OF LEGACY WARRANTS

Hundreds of Thousands of Legacy Warrants

Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system. In addition to the backlog of outstanding warrants, there are hundreds of thousands of additional so-called legacy warrants in boxes and file cabinets in police departments and courts across the state that still have not been entered into WMS.⁴⁹ The purpose of a comprehensive electronic database is undermined by the existence of vast numbers of legacy warrants that are not in the system, yet there is no statutory requirement to include legacy warrants in WMS.

Length Of Time Needed By Courts To Enter All Remaining Legacy Warrants Into The Warrant Management System



Source: Senate Post Audit and Oversight Bureau Survey of District Courts, February-March 1998⁵⁰

No Official Policy on Legacy Warrants

As time permits, the courts are entering these legacy warrants into WMS. However, no regulations or statutory guidelines have ever been issued regarding how to handle these warrants. In fact, there is no statutory mandate that the legacy warrants be included in WMS at all. The Bureau's survey indicates that

⁴⁹ Senate Post Audit and Oversight Bureau survey of District Courts revealed over 200,000 estimated legacy warrants not yet in WMS. Additionally, conversations with Lieutenant Kevin Horton of the Massachusetts State Police on April 14, 1998 and Boston Police Sergeant Detective William H. Kelley, Jr., of the Boston Police Department's Warrant Unit on February 6, 1998 indicate that the number of outstanding warrants not in WMS could be well in excess of 500,000.

⁵⁰ 84% of District Courts responded to the Senate Post Audit and Oversight Bureau Survey.

57% of District Courts are reviewing legacy warrants before re-issuing them in WMS. However, without guidance on how to handle these warrants, decisions about whether to cancel or reissue a warrant are being made by court personnel without proper authority or accountability.

An administrative assistant from one district court testified at the public hearing on warrant management that she unilaterally dismisses legacy warrants that are old or of little apparent importance.⁵¹ Given the high percentage of courts that report internal review of legacy warrants, it seems likely that she is not the only staff person put in the difficult position of making these decisions without proper guidance or authority.

EFFECTIVE WARRANT MANAGEMENT

Lack of Prioritization

An electronic database adds value to warrant management through its ability to sort and organize information, but these capabilities of WMS are not extensively used. Because WMS is not currently set up to flag people with multiple warrants, the warrant status of dangerous repeat offenders such as Charles Jaynes lie buried in electronic limbo. The murder of ten-year-old Jeffrey Curley of Cambridge in October 1997 illustrates the shortcomings of an electronic database that does not actively help police prioritize who to look for. With so many warrants in WMS and no prioritization, the database becomes little more than an “electronic phonebook” that is useful only when queried about a specific person or warrant.⁵²

The importance of prioritizing the apprehension of career criminals was underscored by Robert Hayden, Undersecretary of the Executive Office of Public Safety, at the Committee’s public hearing on warrant management in June 1998. Hayden testified that a small number of people are responsible for the bulk of serious crimes committed in Massachusetts.⁵³ Several studies support his contention, showing that approximately 10% of criminals are responsible for the majority of crimes committed and that getting *these* people off of the street has a strong crime-reduction impact.⁵⁴ Given the evidence that the same people keep committing crimes, it makes sense to prioritize the apprehension of people with multiple arrest warrants.

⁵¹ Testimony at Public Hearing. 10 June 1998.

⁵² Kennedy, David. Senior Researcher, Program in Criminal Justice Policy and Management at the Malcolm Wiener Center for Social Policy, JFK School of Government, Harvard University. Telephone interview. 29 June 1998.

⁵³ Hayden, Robert. Undersecretary, Executive Office of Public Safety. Testimony at Public Hearing. 10 June 1998.

⁵⁴ Wilson, James Q. *Thinking About Crime*. New York: Random House, 1985.

At the request of the Senate Post Audit and Oversight Bureau, CHSB produced lists showing: 1) all people with five or more felony warrants, 2) the 20 people with the largest number of felony warrants, and 3) the 20 people with the largest number of default warrants.

CHSB had to do extra programming of the system to create these reports and it took them over two weeks to produce them. However, when WMS was programmed to identify people with multiple warrants, alarming trends were revealed. The data indicate that many chronic lawbreakers have valid warrants for their arrest, but are essentially lost in a system that does not help police prioritize who to look for.

THE WANTED WALK FREE

At the request of the Senate Post Audit and Oversight Bureau, CHSB identified individuals with numerous outstanding warrants including the following:

- 208 people in Massachusetts wanted on five or more felony warrants
- One man wanted on 23 outstanding felony warrants
- 15 people wanted on at least 20 outstanding felony warrants

All of these wanted individuals are free to live their daily lives and commit more crimes even though they are chronic lawbreakers.⁵⁵

Cross Matching: Missed Opportunities

Police do not have regular access to several databases such as those managed by the Department of Revenue (DOR) and the Department of Employment and Training (DET) that may contain more accurate address information than is contained on many arrest warrants.⁵⁶ To the extent that police have been able to cross match the warrant database against other state databases that contain address and identifying information, they have been extremely successful in apprehending wanted criminals. However, most state agencies with potentially valuable name and address databases are under no obligation to share this information with law enforcement officials. The RMV and the Department of

⁵⁵ CHSB information to Senate Post Audit and Oversight Bureau. April 1998.

⁵⁶ According to Lieutenant Kevin Horton of the Massachusetts State Police Violent Fugitive Arrest Squad, access to address information from these databases has in the past been available only on an ad-hoc basis.

Transitional Assistance (DTA) are statutorily required to regularly compare their databases with WMS for the purpose of denying wanted people certain driving and welfare privileges.

According to Lieutenant Kevin Horton of VFAS, a typical warrant sweep without the benefit of cross matching nets approximately 10% of the targeted individuals. However, in 1997, cross matching between WMS and state welfare rolls helped VFAS nab almost 40% of their intended targets in a 35 day sweep.⁵⁷ Cross matching is effective because the address information in state databases is often more accurate than the addresses in WMS; after all, even criminals want to be found when a check is in the mail.

CROSS MATCHING CATCHES CROOKS

A 1997 cross match of state welfare rolls against WMS found 14,000 wanted individuals who were receiving public assistance. More than 1,400 of these people were wanted for serious crimes.⁵⁸ Because the address information from DTA was more accurate than addresses that normally appear in WMS, the apprehension rate of the State Police warrant sweep was much greater than warrant sweeps done without cross matching. Almost 40% of the 1,461 targeted individuals were arrested during the 35 day warrant sweep.⁵⁹

Among the fugitives arrested were:

- **three wanted for murder and one for motor vehicle homicide;**
- **10 wanted for attempted murder;**
- **four wanted for rape of a child with force;**
- **11 wanted for armed robbery;**
- **six wanted for kidnapping; and**
- **358 wanted for assault and battery and 186 for assault and battery with a dangerous weapon.**

⁵⁷ Donlan, Ann E. "When Welfare Checks Due, Police Find Fugitives Nearby." *The Boston Herald* 17 Nov. 1997: 6.

⁵⁸ McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998.

⁵⁹ Horton, Kevin. Lieutenant, Violent Fugitive Arrest Squad, Massachusetts State Police. Letter to Colonel Paul Reagan et al. 5 Sep. 1997.

As more state laws specify that certain privileges will be withheld from individuals with outstanding warrants, cross matching will need to be done more regularly. Guidelines and systems for carrying out these cross matches will need to be implemented. Massachusetts' 1996 welfare reform law prohibits anybody with a *default* warrant from receiving welfare benefits. Procedures developed to comply with this provision of the law require DTA to send two electronic tapes per month containing identifying information of welfare recipients to CHSB for the purpose of cross matching against WMS and the Probation Central File.⁶⁰

As of October 21, 1998 the Massachusetts Gun Control Act of 1998 prohibits the issuance of a gun license to anyone with an outstanding arrest warrant. This law highlights the important role of cross matching in both warrant management and other public safety functions. Fulfillment of the new law will require that cross matching procedures between WMS and the Firearms Recordkeeping Bureau be implemented.

Few Massachusetts Warrants are Available for Other States to See

Few Massachusetts warrants are visible to other states through NCIC, which serves as the national warrant clearinghouse. While other states have made the effort to ensure that large numbers of their eligible arrest warrants are listed through NCIC, Massachusetts lists comparatively few, significantly decreasing the likelihood that fugitives fleeing from justice will be returned to Massachusetts for prosecution once they leave the state.

Approximately 2,500 out of about 70,000 Massachusetts felony warrants are visible through NCIC.⁶¹ As of December 1998, Massachusetts was 32nd out of 50 states in terms of the number of warrants in NCIC. Relative to the population of Massachusetts and the number of warrants in WMS, this number is extremely low.

Alerting out-of-state police to people wanted in Massachusetts is a national police officer safety issue. Listing warrants through NCIC is also important because of the Brady Law's National Instant Check System (NICS), which was activated on November 30, 1998. One of the disqualifiers for purchasing a gun is classification as a fugitive. If gun dealers from other states do not know whether or not a person attempting to purchase a gun in their state is a fugitive from Massachusetts, the system will not work properly.

⁶⁰ McManus, Tim. Bureau of Special Investigations, Department of Public Safety. Letter to Senator Cheryl A. Jacques. 28 July 1998 and attached Memorandum of Understanding Between the Criminal History Systems Board, Massachusetts Parole Board, Department of Transitional Assistance, and the Bureau of Special Investigations of the Department of Public Safety.

⁶¹ CHSB information to Senate Post Audit and Oversight Bureau. According to John MacPherson at CHSB the figure of approximately 70,000 felony warrants includes some temporary arrest warrants.

WE CAN SEE THEIRS, BUT THEY CAN'T SEE OURS ⁶²			
Top 10 Rank	State	Number of Warrants in NCIC	Population (in Millions)
1	FL	49,399	14.4
2	NY	45,376	18.1
3	TX	41,345	19
4	CA	34,363	32
5	NJ	25,609	8
6	VA	24,639	6.7
7	OR	19,081	3.2
8	PA	18,600	12
9	IL	17,442	11.8
10	MO	17,254	5.4
<u>32</u>	<u>MA</u>	<u>2,542</u>	6

WMS Does Not Offer One-Stop-Shopping For Arrest Warrants

WMS does not provide one-stop-shopping for all warrants. Law enforcement and court personnel are required by law to check WMS for outstanding warrants before discharging a person from custody.⁶³ However, thousands of warrants are not included in WMS, such as Parole and Department of Youth Services warrants, which means that other electronic databases and physical files must be searched in order to do a comprehensive check.

The standard query a law enforcement officer makes when looking for warrant information is called a Q2 query. The Q2 query accesses several databases through CJIS, including the Board of Probation's Central File (PCF) and the RMV's database. The FBI's NCIC is also searched through the Q2 query. NCIC contains nation-wide information on wanted and missing persons, Secret Service alerts, and threats to national security.

The Q2 query, which was created in early 1998 in order to provide a more comprehensive search for warrants, is a step in the right direction. However, because some warrants entered into WMS by the courts do not meet federally regulated CJIS standards, they are not included in the CJIS database and therefore are not seen when doing a Q2 query. In order to see these warrants, police must do a separate search of WMS. Additionally, the continued existence of paper warrants that are not part of any computerized system further

⁶² NCIC information. 4 Dec. 1998.

⁶³ MASS. GEN. LAWS. Ch. 276 §29

complicates the situation. Since the system does not offer one-stop-shopping, there is a risk of unintentionally releasing a wanted criminal because a police officer or court official is unaware that the person has an outstanding arrest warrant.

Additionally, WMS is not integrated with other key criminal record databases. For example, there is no link between WMS and the PCF which “serves as the central repository for criminal records in the Commonwealth,” and uses a unique identification number for each of the over 2.4 million individuals contained within its database.⁶⁴ A link between PCF and WMS has been recognized by the Trial Court Administration and the Criminal History Systems Bureau as essential; however, it is unclear just how close this link is to becoming a reality.⁶⁵

A Fragmented System of Warrant Management

Responsibility for the implementation of WMS has been split between the Judicial and the Executive branches of state government, inhibiting a cohesive strategy for managing WMS and using it to effectively apprehend wanted individuals.

- The creation of WMS was the first large-scale operational project that the Trial Court Administration had ever undertaken.⁶⁶ Previously, the role of the Trial Court Administration was mainly to set broad goals, which were then implemented by the District Courts.⁶⁷ The warrant reform legislation required a much greater degree of operational coordination among the courts than the Trial Court Administration had ever overseen.
- Although the warrant reform legislation made several significant changes in how warrants are handled, it appears that both the Trial Court Administration and the Executive Office of Public Safety approached the reforms with a focus on the technological aspects of warrant management.⁶⁸ Given the short time frame within which the system was to be operational and the enormous logistical challenges this presented, it is understandable that emphasis was placed on the technological aspects of the reform legislation and not on the broader systemic issue of how warrants are managed from complaint to execution. Now that the system is operational, these broader systemic issues need more attention.

⁶⁴ Commonwealth of Massachusetts Criminal Record Improvement Plan FY 1998: 6.

⁶⁵ Duggan, Richard. Director, Information Technology Department, Trial Court Administration. Testimony at Public Hearing. 10 June 1998.

⁶⁶ Shea, Michael. Legal Counsel, District Court Department. Personal interview. 19 May 1998.

⁶⁷ *ibid.*

⁶⁸ Although Chief Justices Irwin and Zoll issued memoranda summarizing changes in warrant practices as a result of the enactment of Chapter 247 of the Acts of 1994, conversations with Trial Court Administration personnel involved in the genesis of WMS indicate that the technological aspects of the project took precedence. Interviews with District Court personnel confirm that training was confined to use of the computer system.

- After the 1994 Warrant Reform Act was enacted, meetings between the judicial and law enforcement communities concerning WMS began as wide-ranging discussions covering all aspects of warrant policies and procedures.⁶⁹ However, the logistical challenge of creating and connecting the electronic database to all of the courts and training personnel to use the system appear to have permanently overshadowed the policy side of warrant management. CHSB continues to sponsor quarterly meetings with the law enforcement community to discuss WMS, but these meetings are run by technical managers and generally do not address policy issues.⁷⁰
- In almost every interview the Bureau conducted with law enforcement and court personnel, the need for more and better training was raised. Court personnel report that because their training was done months before the implementation of WMS they had largely forgotten what they had learned by the time the system was up and running. Because the training focused on use of the WMS software, court personnel were never given a sense of how they fit into the larger picture of warrant management. The consulting firm that provided the training had no expertise in the Massachusetts criminal justice system, so, as one court staffer pointed out the trainers could not answer questions that were not technical in nature. One police officer reported that a staff member at the local district court did not understand that the documents they were creating in WMS were actually used by police to apprehend wanted individuals.⁷¹

Inadequate Identifying Information

Inaccurate and insufficient information continues to impede the execution of arrest warrants. Police officers cite inadequate information as one of the biggest hindrances to serving warrants.⁷² The creation of an electronic system was supposed to improve information quality, but there are few mechanisms in place for checking and updating information on arrest warrants.

- The police have only limited ability to update information in WMS. Instead, police can forward any new information such as up-to-date addresses to court personnel who then add it to the warrant. This system is inefficient, and

⁶⁹ *ibid.*

⁷⁰ *ibid.*

⁷¹ Sicard, Don. Sergeant, Springfield Police Dept. Personal interview. 26 March 1998.

⁷² Duggan, Richard. Director, Information Technology Department, Trial Court Administration. Personal interview 16 Dec. 1997; Kelley, William H., Jr. Warrant Unit, Boston Police Dept. Personal interview. 30 Jan. 1998; Sicard, Don. Sergeant, Springfield Police Dept. Personal interview. 11 Apr. 1998.

according to law enforcement officials, discourages adding valuable new information to warrants that could help improve warrant apprehension rates.⁷³

- WMS does not have any minimum standards for warrant quality. Mass. General Laws Chapter 276 § 23A, requests a list of identifiers for inclusion on an arrest warrant “*to the extent known to such requesting authority,*” which means that none of the identifying data listed is actually required in order for a warrant to be issued. Warrants with insufficient address or identification information are of little use to the police who must execute them. Thousands of poor quality warrants clog the system and obscure other warrants that could be executed.

Performance Measures Do Not Exist

Three years after the implementation of WMS, there are no measures of its effectiveness. Neither the Trial Court Administration nor the Executive Office of Public Safety has produced a procedural manual, established guidelines for quality control, or measured the effectiveness of WMS.

Resource Issues

Police Need Field Access to Warrants

Every time a police officer knocks on a door or approaches a vehicle, he or she faces potential danger. With more than 275,000 outstanding warrants in WMS, it is not uncommon for police to encounter people with outstanding warrants in the course of their everyday patrols. The more information the officer has about who might answer that door or who is in that vehicle, the safer the officer is.

Conversely, the danger of these routine situations is greatly magnified if the officer lacks crucial criminal background information such as whether or not the person has an outstanding arrest warrant.⁷⁴

⁷³The need for greater ability to update information in WMS was mentioned by virtually all police officers interviewed for this study.

⁷⁴ Johnson, Richard. Trooper, Massachusetts State Police Personal interview. 2 July 1998.

OFFICER ASSAULTED BY MAN WITH FOUR OUTSTANDING WARRANTS

On September 30, 1998 State Police Trooper William Nasuti pulled over a blue Pontiac Grand Am that was weaving through traffic at high speed and tailgating. When the officer attempted to get the real name of the driver by asking another person in the car, the driver, Amando Ferrera, elbowed him in the face and tried to grab the officer's gun. The officer's subsequent background check on Ferrera, showed that he had four outstanding warrants for his arrest. According to the police incident report, the female passenger in the car stated that Ferrara knew he was wanted and would be sent to jail on the outstanding warrants, which led to his assault on Officer Nasuti.⁷⁵

Despite a common perception that driver's license and warrant inquiries are done during every traffic stop, in reality police are limited in doing this by a lack of remote access equipment in the field. According to Colonel Reed Hillman, Superintendent of the Massachusetts State Police, less than 10% of State Police traffic stops actually result in warrant inquiries because most State Police cruisers lack the on-board laptop computers that would allow a trooper to search for outstanding warrants.⁷⁶ Many local police departments also lack this technology. Without this equipment, all WMS inquiries must be routed through a radio dispatcher, which ties up the channel and prevents other communication.

Uneven Distribution of Computers in the Courts

There are large disparities in the number of computer terminals the courts have connected to WMS. Some of the busiest courts have only one or two terminals through which they can access WMS, while other, less busy courts have several computers. Brockton District Court, the third busiest court in the state, has only one computer that is linked to WMS. Worcester District Court, the second busiest, has only three. However, Gardner District Court, ranked 57th out of 69 in terms of the number of criminal complaints processed, has six WMS-linked computers, and Clinton District Court, ranked 56th out of 69, has seven WMS-linked computers.⁷⁷ Overall, information technology resource distribution among the District Courts appears to be skewed. The disparity in the distribution of WMS-linked computers among the courts is troubling.

⁷⁵ Nasuti, William J. Trooper, Massachusetts State Police. Record of Investigation. 30 September 1998; Rodriguez, Cindy. "Man Tried to Grab Trooper's Gun in Route 3 Scuffle, Police Say." *The Boston Globe*, 1 October, 1998: B3.

⁷⁶ Hillman, Reed. Superintendent, Massachusetts State Police, Testimony at Public Hearing. 10 June 1998

⁷⁷ Number of computers per court was determined by the Senate Post Audit and Oversight Bureau Survey of District Courts. Volume of criminal complaints entered in each district court published in the Annual Report on the State of the Massachusetts Court System, FY 1997.

FINDINGS AND RECOMMENDATIONS

Making Warrants Meaningful

FINDING:

There is a backlog of more than 275,000 arrest warrants in WMS, making it difficult to identify chronic lawbreakers and diluting the effectiveness of the system. In addition, because almost two-thirds of all warrants issued are default warrants, it is clear that disrespect for the judicial system is rampant.

RECOMMENDATION:

Criminals need to understand that warrants have consequences. The penalties for having an outstanding arrest warrant should be overhauled and toughened, and renewed emphasis should be placed on clearing the warrant backlog.

1. People with outstanding warrants should not be able to collect state financial benefits and privileges such as unemployment benefits or workers' compensation until they have appeared in court and cleared their warrants. Currently, transitional assistance benefits are supposed to be cut off to people who have outstanding *default* warrants; the law should be expanded to cover all outstanding warrants and other state financial benefits and privileges.
2. State licenses such as professional and recreational licenses should be suspended for people with outstanding arrest warrants until the warrants are cleared.
3. People with outstanding arrest warrants should not be able to collect a state tax refund until they have cleared the warrants.
4. The Default Warrant Removal Fee, payable to the city or town in which a wanted person is arrested on a default warrant, should be increased to \$75 to help offset the cost of warrant apprehensions by local police departments.
5. When a warrant is issued, the issuing court should automatically mail a letter informing the person of the warrant and outlining the consequences of failing to clear the warrant. The Boston Police Department reported that when they used to routinely send out warrant notification letters for misdemeanor warrants, approximately 30% of such letters resulted in people coming to court to clear their warrants.

6. The Trial Court Administration should allow people with misdemeanor warrants that simply require payment of a fine to clear them without having to actually appear in court. Rather, payment to the issuing court could be made by mail or credit card.

FINDING:

Most police departments lack the resources to field their own warrant apprehension teams. Only larger departments such as Boston and Springfield have full-time warrant apprehension units. To fill the gap, the State Police Violent Fugitive Arrest Squad (VFAS) provides warrant apprehension services in conjunction with local police departments throughout the rest of the state. However, VFAS consists of only six state troopers and is able to do just three or four major warrant sweeps per year.

RECOMMENDATION:

The number of troopers in VFAS should be doubled in order to better help police departments throughout the Commonwealth apprehend wanted criminals. In addition, VFAS should develop an on-going program to train local police departments in the techniques of successful warrant execution.

FINDING:

The RMV is failing to fulfill its intended role in Massachusetts' warrant management system. Although the Warrant Reform Act prohibits the RMV from issuing *new* drivers' licenses to people with outstanding arrest warrants, the agency has failed to create a system for determining whether or not a new applicant has an outstanding arrest warrant. Although there is a system for non-renewal of licenses held by people with outstanding warrants, wanted people can currently receive a *new* license even though the law clearly forbids it. Additionally, the primary driving-related sanction for an outstanding warrant, license non-renewal, is ineffective because it is a trivial sanction that may not affect the wanted individual for five years. Finally, non-renewal is not applied in most cases because the RMV only matches 33% of warrants to licensed drivers.

RECOMMENDATION:

The RMV should comply with the 1994 Warrant Reform Act by screening new applicants for a driver's license for outstanding warrants before the license is issued. In addition, the RMV should be required to immediately suspend the driver's license of anybody wanted on an outstanding felony warrant. The RMV should also improve the match rate of outstanding warrants to licensed drivers by, for example, reviewing the match criteria currently used. The RMV should be required to retain and forward updated addresses of licensed drivers with outstanding arrest warrants that are obtained through cross matching or when a wanted person comes into an RMV office. Furthermore, a notation should be added to any "non-renewal" flags in the RMV database indicating whether or not the non-renewal status is a result of an outstanding arrest warrant.

The Legacy of Legacy Warrants

FINDING:

Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system. The purpose of a comprehensive electronic database is undermined by the existence of vast numbers of legacy warrants that are not in the system, yet there is no statutory requirement to include legacy warrants in WMS.

RECOMMENDATION:

The Warrant Reform Act should be amended to require that all legacy warrants be evaluated and where appropriate be reissued through WMS by January 1, 2001.

FINDING:

There is no official policy on what to do with the hundreds of thousands of legacy warrants. Without guidance on how to handle them, decisions about whether to cancel or reissue warrants are being made without proper authority or accountability.

RECOMMENDATION:

The Trial Court Administration and the Executive Office of Public Safety should jointly establish guidelines for evaluating warrants before reissuing them in WMS. Inter-disciplinary teams should be established in each jurisdiction to evaluate legacy warrants and where appropriate reissue them through WMS. These teams should be comprised of representatives from the District Court, the District Attorney's Office, and the local police department.

Effective Warrant Management

FINDING:

WMS does not help police prioritize who to apprehend. An electronic database adds value to warrant management through its ability to sort and organize information, but these capabilities of WMS are not extensively used. For example, because WMS is not currently set up to flag people with multiple warrants, or those wanted for serious felonies, the warrant status of dangerous repeat offenders lie buried in electronic limbo.

RECOMMENDATION:

WMS should be programmed to help police prioritize who to apprehend first by highlighting people with multiple warrants and those wanted for serious felonies. CHSB should regularly publish and transmit lists of people with multiple warrants as well as people wanted for serious felonies to law enforcement agencies so that they can concentrate resources on these scofflaws.

FINDING:

Police do not have regular access to several databases such as those managed by the DOR and the DET that may contain more accurate address information than is contained on many arrest warrants. To the extent that police have been able to cross match the warrant database against other state databases that contain address and identifying information, they have been extremely successful in apprehending wanted criminals. However, most state agencies with potentially valuable name and address databases are under no obligation to share this information with law enforcement officials.

RECOMMENDATION:

The State Police Violent Fugitive Arrest Squad (VFAS) should be given statutory authority to receive, through cross matching, potentially valuable address information held by other state agencies. This information should be available upon request to local law enforcement agencies.

FINDING:

Few Massachusetts warrants are visible to other states through NCIC. While other states have made the effort to ensure that large numbers of their eligible arrest warrants are listed through NCIC, Massachusetts lists comparatively few, significantly decreasing the likelihood that fugitives fleeing from justice will be returned to Massachusetts for prosecution once they leave the state.

RECOMMENDATION:

Law enforcement agencies should enter all eligible Massachusetts arrest warrants into NCIC. As soon as practicable, CHSB should create a system that will transmit eligible Massachusetts arrest warrants directly into NCIC.

FINDING:

WMS does not provide one-stop-shopping for all warrants. Law enforcement and court personnel are required by law to check WMS for outstanding warrants before discharging a person from custody. However, several categories of warrants are not included in WMS, meaning that other electronic databases and physical files must be searched in order to do a comprehensive check.

RECOMMENDATION:

CHSB should move quickly to link all of the databases that contain arrest warrants so that complete information is available through one computer search. CHSB should offer one-stop-shopping for warrant information by January 1, 2001.

FINDING:

Warrant management in Massachusetts remains fragmented. Responsibility for the implementation of WMS has been split between the Judicial and Executive branches of state government, inhibiting both a cohesive vision of the system's purpose and a unified strategy for achieving its goals.

RECOMMENDATION:

A Warrant Oversight Commission should be established and charged with coordinating and overseeing the WMS database and warrant management in general. Its responsibilities should include the following:

- developing standards for measuring the effectiveness of WMS;
- developing guidelines for reviewing legacy warrants;
- overseeing the production of warrant management procedural manuals;
- coordinating warrant management efforts throughout the state;
- providing on-going training for court and law enforcement personnel;
- creating a quality control team to audit WMS and publish an annual report on warrant apprehension rates across the state; and
- providing an effective forum for input from the frontline users of WMS.

FINDING:

Inaccurate and insufficient information continues to impede the execution of arrest warrants. The creation of an electronic system was supposed to improve information quality, but there are few mechanisms in place for checking and updating information on arrest warrants.

RECOMMENDATION:

To improve the accuracy of the information on arrest warrants, the following steps ought to be taken:

- Currently the police have limited access to WMS for adding or updating information on a warrant. CHSB needs to give police greater access to WMS for adding additional address information.
- All Massachusetts arrest warrants should conform to CJIS quality standards, unless the requesting law enforcement agency seeks an exemption for a particular warrant.
- New or updated address information obtained through cross matching with other databases should be integrated into WMS so that law enforcement officials have access to the most accurate and up-to-date information possible.

FINDING:

Three years after the implementation of WMS, there are no measures of its effectiveness. Neither the Trial Court Administration nor the Executive Office of Public Safety has produced a procedural manual, established guidelines for quality control, or measured the effectiveness of WMS.

RECOMMENDATION:

Standards and measures for WMS must be developed. As part of a regular quality control function, an annual listing of warrant apprehension rates for all cities and towns should be published. Such a list would help set acceptable standards for warrant apprehension rates and provide clear goals on warrant apprehension for local police departments.

Resource Issues

FINDING:

Police lack the resources needed to use WMS to its full capacity. For example, less than 10% of State Police traffic stops actually result in warrant inquiries because most State Police cruisers lack the on-board laptop computers that would allow a trooper to search for outstanding warrants. Without this equipment, all WMS inquiries must be routed through a radio dispatcher which ties up the channel and prevents other communication. Many local police departments also lack this equipment.

RECOMMENDATION:

Massachusetts should set a goal to have a laptop computer in every police cruiser in the Commonwealth by January 1, 2002. Funding should be allocated to provide on-board laptop computers for all State Police cruisers in the Commonwealth and the Legislature should establish a matching grant program to encourage local police departments to purchase this equipment.

FINDING:

There are large disparities in the number of WMS-connected computer terminals in the courts. Some of the busiest courts have only one or two terminals through which they can access WMS, while other, less busy courts have several computers.

RECOMMENDATION:

As part of the Warrant Oversight Commission's auditing duties, a review of court access to WMS and computer resources should be conducted to ensure that all courts have the ability to enter warrant information in a timely fashion.

